

# **EXHIBIT 1**

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**UNITED STATE COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

CHRIS WALKER, ET. AL.

No. 19-2368

Plaintiff-Appellants

NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION, ET.  
AL v.

**APPEAL FROM THE UNITED  
STATES DISTRICT COURT OF  
THE NORTHERN DISTRICT OF  
ILLINOIS, EASTERN DIVISION**

Defendants-  
Appellees

MDL NO. 2492  
Master Docket No. 13-cv-09116  
Judge John Z. Lee

**PLAINTIFF-APPELLANT'S AMENDED DOCKETING STATEMENT**

Timothy J McIlwain, counsel for the above listed parties, pursuant to  
Circuit Rule 3(c)(1), this Court's order entered August 26, 2019, and this court's  
subsequent order dated September 13, 2019, hereby respectfully submits the  
following as his Amended Docketing Statement:

**I. District Court Jurisdiction**

The District Court had Subject Matter Jurisdiction over this matter pursuant to 28 U.S.C. § 1332 (a) (Diversity of Citizenship) and (d) (Plaintiffs and Defendants are citizens of different states, and the matter is a class action exceeding \$5,000,000.00).

**A. The Parties:**

Counsel for Plaintiffs, Timothy J. McIlwain, appealing the court's order on attorneys' fees only, resides in Louisville, Kentucky.

Plaintiff Chris Walker was a class representative for the medical monitoring class. He resides in Chattanooga, Tennessee.

Plaintiff Ben Martin was a class representative for the medical monitoring class. He resides in Knoxville, Tennessee.

Plaintiff Dan Ahern was a class representative for the medical monitoring class. He resides in Pensacola Florida

Defendant National Collegiate Athletic Association (NCAA), is an unincorporated association that acts as the governing body for college sports. Its principal office is located in Indianapolis, Indiana.

This matter was transferred to the District Court for the Northern District of Illinois Eastern Division, from the U.S. District Court in Tennessee, pursuant to 28 U.S.C. § 1407 and Rule 6.2 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. ("The Panel.")

1 The District Court had personal jurisdiction over the named Plaintiff Class  
2 Representatives because they submitted to the jurisdiction of the District Court.

3  
4 Similarly, the District Court had personal jurisdiction over the Defendant  
5 NCAA because it submitted to the jurisdiction of the court, and conducts substantial  
6 business in the State of Illinois.

7  
8 **I. Appellate Jurisdiction**

9  
10 This Court has jurisdiction over this appeal pursuant to 28 U.S.C. § 1291  
11 because Plaintiff's legal counsel, Timothy J McIlwain, is appealing the **Final Order**  
12 **and Judgment Approving the Second Amended Class Settlement** of the District  
13 Court entered on August 26, 2019, [Designated as App. Ct . Doc. No1-1], **inter alia**,  
14 granting attorney's fees to every other plaintiff's attorney representing clients in the  
15 case with the exception of Plaintiff's counsel Timothy J. McIlwain.

16  
17 Plaintiff's counsel did not file a post-judgment motion or other motion that  
18 would toll the period of time to file a notice of appeal, and instead timely filed its  
19 notice of appeal in the district court within thirty days after the entry of judgment, on  
20 August 26, 2019. See Fed. R. App. P. 4(a)(1)(A).

21  
22 As set forth in his Notice of Appeal Plaintiff's counsel seeks review of the  
23 District Court order granting awards of attorney's fees to every other lawyer involved  
24 in this litigation except him.

25  
26 In this appeal Plaintiff's counsel seeks appellate review only of the August 26,  
27  
28

2019 order.

**II. Appeal from a Final Judgment**

As noted above, this is an appeal from a final judgment entered August 26, 2019 that adjudicated all of the Requirements of Circuit Rule 3(c)(1)

**III. No Prior or Related Appellate Proceedings**

There have been no prior, related, or collateral appellate proceedings in relation to this case.

**IV. Additional Requirements of Circuit Rule 3(c)(1)**

This is a civil case that does not involve any criminal convictions. No designations under 28 U.S.C. § 1915(g) are relevant in this case. There are no government parties being sued in their official capacity. This case does not involve a collateral attack on a criminal conviction.

Dated this 18<sup>th</sup> Day of September, 2019

By s/Timothy J. McIlwain  
Timothy J. McIlwain, Esq,

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**CERTIFICATE OF SERVICE**

(X) CERTIFICATE OF SERVICE WHEN ALL CASE PARTICIPANTS ARE CM/ECF PARTICIPANTS.

I hereby certify that on September 18<sup>th</sup>, 2019 I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Seventh Circuit, by using the CM/ECF system. I certify that all participants are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

Dated this 20<sup>th</sup> Day of September, 2019

By s/Timothy J. McIlwain  
Timothy J. McIlwain, Esq,

I hereby certify that a copy of the foregoing Docketing Statement was filed electronically with the Clerk of the United States Court of Appeals for the Seventh Circuit. by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system on this 20<sup>th</sup> Day of September, 2019:

(X) CERTIFICATE OF SERVICE WHEN ALL CASE PARTICIPANTS ARE CM/ECF PARTICIPANTS.

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